

TOWN OF TUFTONBORO
BOARD OF SELECTMEN
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Selectmen's Meeting
9:00 am – Central Fire Station

Monday, August 15, 2016

MINUTES

Present: Chairman Carolyn Sundquist, Selectman Lloyd Wood, Selectman Bill Marcussen and Administrative Secretary Karen Koch.

Chairman Sundquist called the meeting to order at 9:00 am and proceeded with the Pledge of Allegiance.

Mary Pinkham-Langer of the Dept. of Revenue Administration (DRA) met with the Selectmen to explain the excavation process and to review some apparent excavation violations. She explained that the DRA administers the excavation tax/RSA 72-B, originated in 1998, which applies to both gravel pits and incidental excavations over 1,000 cubic yards.

RSA 155-E, created prior to 72-B, is the local regulation of earth excavation and is a statutory obligation of the Town regulator; the Town regulator being the Planning Board unless otherwise voted upon. The Planning Board appoints an agent for them, typically the Code Officer. She went on to explain that municipalities should adopt local regulations in addition to RSA 155-E in order to clarify some definitions of the RSA and to tie local regulation parameters to it.

She proceeded to review the Intent to Excavate form, noted as only a tax document, not a permit. An Intent to Excavate would be submitted only after a pit has been approved by the local regulator (grandfathered or permitted).

Throughout the meeting some key points were mentioned regarding excavation:

- Gravel pits are either grandfathered or permitted.
 - Pits that legally existed as of August 24, 1979 needed to submit a grandfathering report to the municipality between 8/4/89-8/4/91 in order to continue excavations. These reports should be on file with the Planning Board. If pit owners didn't do so, they would need to go through the permitting process.
 - Permits should have an expiration date, which is given by the Planning Board. They do not automatically renew and are not automatically transferred if the property sells. Permits should be permanently posted at the excavation site.
- If a pit is not actively excavated every two years then it is considered abandoned. If inactive for two or more years, the permitting process would need to be completed in order for new excavation to occur.
- RSA 485-A:17 requires an alteration of terrain permit for excavations of more than 100,000 square feet of area.
- If an incidental construction results in 1,000 cubic yards or less of excavated earth an Intent to Excavate is not necessary. Over 1,000 cubic yards requires an Intent to Excavate.
- Permitted pits must always file an Intent To Excavate, no matter what the excavation amount, unlike incidental excavations.
- There are similarities between an Intent to Excavate and an Intent to Cut. The main differences being that there is a \$100 fee for filing an Intent to Excavate and there are no extensions to complete an excavation.
- A bond is required for an Intent to Excavate if the land owner is delinquent on their property taxes.
- Pits should be reviewed yearly to make sure that they are not in violation and are not moving into current use property. If current use property is part of a permitted pit, it does not come out of current use until the ground is disturbed.
- Intents to Excavate affect the Planning Board, Assessor and Selectmen.

As Ms. Pinkham-Langer uses digitized mapping to see the topography changes in property, she asked if the Town had digitized Town maps available as the state mapping software she uses is very dated. Selectman Wood explained that Mark Howard is working on an update to incorporate the parcel changes since 2010 and will put the two of them in contact.

Per Selectman Wood's request, Ms. Pinkham-Langer will send a sample Intent to Excavate checklist as well as sample regulations, plans, etc.

Although the DRA administers the excavation tax per RSA 72-B, they can advise local municipalities of violations of RSA 155-E. While Ms. Pinkham-Langer followed up on an Intent to Excavate on Mountain Road, she noted that the property contains the site of an "abandoned" excavation. She alerted the Town as such.

In 2004, DRA alerted the Town to an unpermitted property doing excavation. This site was originally done as an incidental excavation and has incorrectly continued excavating since then. She reiterated that cases like this are an example of why it is important for the Planning Board to ask what the final purpose of a project is when any type of plans are submitted to the Town. As much time has passed she does not know what the Town can do now to rectify this situation and advises that they seek legal counsel. The Selectmen decided to do further research before making a decision.

The Selectmen asked about excavation informational training sessions. DRA is available to do 3 hour presentations for groups of 10-12 for \$10 per person.

The Selectmen revisited compensation, particularly whether or not to provide employees with a 2017 Cost of Living Adjustment (COLA). The request to consider this originated from Clay Gallagher. In the past, the Board has based their decision on the federal government's COLA decision, although this information for 2017 is not available until October.

Selectman Wood moved to table the discussion, seconded by Selectman Marcussen with all in favor. As timing is important with budgeting, etc, the Selectmen agreed to discuss this subject again at their next meeting.

In regards to merit increases, Selectman Wood suggested removing column 1 from the Pay Structure Matrix as the pay amounts listed are too low to be competitive. He advises adding a new last column to the matrix. The other Selectmen were in agreement with this. He also mentioned that Mr. Gallagher provided a resource to pay for the \$22,000 to pay for merit increases. He shared this documentation with the other Selectmen for their review.

The Selectmen revisited the division of cemetery responsibilities. Chairman Sundquist reiterated her perspective that Town Office staff should continue to service people who require immediate assistance, then pass them on the Sexton, whom the Selectmen complimented as doing well in his new role.

Selectman Marcussen agreed that the Town Office people need to be in a position to help the public with buying plots but with a straightforward process which includes lot numbers in the order to be sold. He also shared that if there are any issues with the Town Office assisting the cemetery, then the problems should go back to the Board, not to the Town Office individuals. The Selectmen asked the Cemetery Trustees Chairman, Sue Weeks, for the Trustees to attend the Board of Selectmen meeting on September 13, 2016 to discuss these responsibilities. Ms. Weeks will confirm a time that day with the other Trustees.

Chairman Sundquist noted that she will be on vacation **August 25, 2016 through September 8, 2016.**

At approximately 10:29 am, Selectman Wood made a motion to adjourn, seconded by Selectman Marcussen with all in favor.

Respectfully submitted, Karen Koch, Administrative Secretary